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June 19, 2003

EX PARTE OR LATE FILED

EX PARTE

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
Room TW-A-325
The Portals, 445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

JUN 20 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Oral Ex Parte Presentation
CC Docket Nos. 02-33, 95-20, 98-10, 02-52

Dear Ms. Dortch :

On Wednesday, June 18, 2003, BellSouth made an oral ex parte presentation relating to the dockets identified above to Simon Wilkie, Chief Economist, Robert Pepper and Scott Marcus. Representing BellSouth at this meeting were Eric Fogle, Jonathan Banks and the undersigned. The attached presentation and diagrams (Attachment "A") were distributed at this meeting and formed the basis of the discussion.

BellSouth also discussed the fact that cable companies are competing to provide broadband services to small, medium and large business customers and provided a copy of Cox Communications' Presentation made at the 2003 NARUC sponsored Broadband Summit. A copy of this presentation is attached hereto (Attachment "B") and can also be found at <http://www.neca.org/media/CarringtonPhillip.pdf>.

Finally, BellSouth discussed the fact that certain state public service commissions within BellSouth's region had commenced regulating the rates, terms and conditions of BellSouth's federally tariffed, federally regulated, DSL-based information services, and that such state commission action was imposing multiple and inconsistent requirements upon such services in violation of prior FCC rulings. *Such state action will undermine any attempt to establish a national broadband policy that encourages investment in competing platforms that provide broadband services to all citizens.* Pursuant to Staff's request, BellSouth provides additional information (Attachment "C") concerning state regulation of BellSouth's federally tariffed, broadband services.

Ms. Marlene H. Dortch

June 19, 2003

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Pursuant to section 1.1206(b)(2) of the Commission's rules, this letter and attachments are being provided for inclusion in the record of the above-referenced proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Barbee Ponder IV", with a stylized, cursive script.

L. Barbee Ponder IV

LBP:kjw
Attachments

cc: Darrell Cooper
Barbara Esbin
Jacob Lewis
John Stanley

02-52

DOCUMENT AVAILABLE
IN THE LEAD
DOCKET/RULEMAKING

SEE DOCKET NO.

02-55

FOR THE DOCUMENT.